NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) 5513P021
	Confirmation Number (Optional) 3361

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

2010-10-13

Signature /Jessica M. Huester/

Typed or printed name Jessica M. Huester

In re Application of

Hassan Mostafavi, et al.

Application Number 10/664,213	Filed 09/16/2003

For: LOCALIZATION OF A TARGET USING IN VIVO MARKERS

Art Unit 3737	Examiner Jonathan Cwern

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) $540.00

☐ Applicant claims small entity status under 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

☐ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-2666.

☐ Per MPEP 1204.01, any previously paid appeal fees set forth in 37 CFR 41.20 for filing a notice of appeal will be applied to the new appeal in the same application as long as a final Board decision has not been made on the prior appeal. In accordance with MPEP, 1204.01, The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 02-2666.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
    See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).
    Registration number if acting under 37 CFR 1 34(a)

_____
Signature

Angelo J. Gaz, Reg. No. 45,907
Typed or printed name

2010-10-13
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted